

# EXHIBIT C

**EXHIBIT C****Disputed Claim Terms****I. The Parties' Respective Proposed Constructions For the Disputed Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
<b>U.S. Reissued Patent Nos. RE44,686 (the "686 patent") and RE42,726 (the "726 patent")</b>			
1.	<p>"modif[y/ied] [a] resource allocation" /  "modify[ing] [the] computer resources allocated to a virtual server"</p> <p>('686 patent claims 5-7)</p>	<p>"modif[y/ied] set of functions and features of a physical host used in implementing tasks for the virtual server" / "modify[ing] a set of the functions and features of a physical host used in implementing tasks for the virtual server"</p>	<p>"modif[y/ied] [a] quality of service guarantee" / "modify[ing] [the] quality of service guarantee of a virtual server"</p> <p><i>See also</i> construction of "quality of service guarantee"</p>
	<p>"modify[ing] a resource allocation for the virtual server" / "modifying [the] computer resources allocated to a virtual server"</p> <p>('726 patent claims 1, 4-5 and 8)</p>	<p>"modify[ing] a set of the functions and features of a physical host used in implementing tasks for the virtual server" / "modify[ing] a set of the functions and features of a physical host used in implementing tasks for the virtual server"</p>	<p>"modify[ing] a quality of service guarantee for the virtual server" / "modifying [the] quality of service guarantee of a virtual server"</p> <p><i>See also</i> construction of "quality of service guarantee"</p>
2.	<p>"resource unavailable messages resulting from denied requests to modify a resource allocation" / "resource unavailable messages" / "denied requests to modify a resource allocation"</p> <p>('686 patent claims 5-7)</p>	<p>"resource unavailable messages" = "an indication that a request by the virtual server cannot be immediately serviced"</p> <p>"denied requests to modify a resource allocation" = "a request by the virtual server that cannot be immediately serviced"</p>	<p>"resource unavailable messages resulting from denied requests to modify a resource allocation" = "indications that requests by the virtual server for additional resources are either implicitly or explicitly denied, resulting from denied requests to modify a resource allocation"</p> <p>"resource unavailable messages" = "indications that requests by the virtual server for additional resources are either implicitly or explicitly denied"</p>

**EXHIBIT C****Disputed Claim Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
			"denied requests to modify a resource allocation" = Plain and ordinary meaning; <i>but see</i> construction of "modify a resource allocation"
3.	"resource denials" ( '726 patent claims 1, 4-5 and 8)	"indications that requests by the virtual server cannot be immediately serviced"	"indications that requests by the virtual server for additional resources are either implicitly or explicitly denied"
4.	"determination that a virtual server is overloaded"  ( '686 patent claims 5-7)	Plain and ordinary meaning	"determination that an average number of resource denials for a virtual server is beyond a pre-configured threshold"  <i>See also</i> construction of "resource denials"
	"virtual server overloaded signal" ( '726 patent claims 1, 4-5 and 8)	"an indication that a virtual server has been or is being denied resources"	"signal indicating that an average number of resource denials for a virtual server is beyond a pre-configured threshold"  <i>See also</i> construction of "resource denials"
5.	"virtual server" ( '686 patent claims 5-7) ( '726 patent claims 1-11)	plain and ordinary meaning; in the alternative: "a virtual machine that resides on a physical server and uses the physical server's resources but has the appearance of being a separate dedicated machine"	"a process executing on a host computer that accepts communication requests, and that is capable of receiving a quality of service guarantee from a physical host"

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6.	“determining that a second physical host can accommodate the requested modified resource allocation”  (’686 patent claims 5-7)	plain and ordinary meaning; in the alternative: “determining that a second physical host can accommodate the request(s) by the virtual server that could not be immediately serviced”	Indefinite
7.	“quality of service guarantee”  (’726 patent claims 1 and 4)	“a guaranteed resource allotment which can be dynamically increased/modified”	“information that specifies a guaranteed amount of an assigned resource, and that can be dynamically increased/modified”
8.	“a component configured to receive an indication that a first physical host is overloaded, wherein the indication is based on a determination that a virtual server is overloaded and wherein the determination that a virtual server is overloaded is based on one or more resource unavailable messages resulting from denied requests to modify a resource allocation”  (’686 patent claim 7)	Not subject to § 112 ¶ 6 - in the alternative:  Function: receive an indication that a first physical host is overloaded  Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C; Virtual Servers 162A-G	Means-plus function term. This term is indefinite.  Function: receive an indication that a first physical host is overloaded, wherein the indication is based on a determination that a virtual server is overloaded and wherein the determination that a virtual server is overloaded is based on one or more resource unavailable messages resulting from denied requests to modify a resource allocation  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
9.	“a component configured to determine that a second physical host can	Not subject to § 112 ¶ 6 - in the alternative:	Means-plus function term. This term is indefinite.

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	accommodate the requested modified resource allocation"  ( '686 patent claim 7)	Function: determine that a second physical host can accommodate the requested modified resource allocation  Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C; Virtual Servers 162AG	Function: determine that a second physical host can accommodate the requested modified resource allocation  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
10.	"a component configured to generate a physical host transfer signal that indicates a second physical host and to transfer the virtual server from the first physical host to the second physical host if the first physical host is overloaded"  ( '686 patent claim 7)	Not subject to § 112 ¶ 6 - in the alternative:  Function: generate a physical host transfer signal  Structure: Dynamic Resource Configuration Module 100*; Physical Hosts 160A-C; Virtual Servers 162A-G  *Dynamic Resource Configuration Module 100 includes the structure identified by VMware in its Reply Brief ( <u>Load Balancing Module 130</u> ; <u>Load Balancing Calculator 530</u> ; <u>Virtual Server Resource Monitor 110</u> ; and <u>Physical Host Resource Monitor 540</u> ) with the exception of the pin-cites to the specification.	Means-plus function term.  Function: generate a physical host transfer signal that indicates a second physical host and to transfer the virtual server from the first physical host to the second physical host if the first physical host is overloaded  <i>See also</i> construction of "virtual server"  Structure: Dynamic Virtual Server Mover 140 as described in '686 Patent, 12:1-28; Figure 6.
11.	"a virtual server resource monitor [communicatively coupled to the first physical host and] configured to monitor resource denials and to send a	Not subject to § 112 ¶ 6 - in the alternative:	Means-plus function terms.  Function: [creating a virtual server resource monitor communicatively

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	<p>virtual server overloaded signal in response to the resource denials”</p> <p>(’726 patent claims 1 and 5)</p> <p>“program code for creating a virtual server resource monitor communicatively coupled to the first physical host and configured to monitor resource denials and, in response to the resource denials, to send a virtual server overloaded signal”</p> <p>(’726 patent claim 4)</p>	<p>Function: monitor resource denials and send a virtual server overloaded signal in response</p> <p>Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C</p>	<p>coupled to the first physical host and] monitor resource denials and to send a virtual server overloaded signal in response to the resource denials</p> <p><i>See also</i> construction of the terms “resource denials” and “virtual server overloaded signal”</p> <p>Structure: Virtual Server Resource Monitor 110 as described in ’726 Patent, 5:21-65; 7:41-9:46; Figure 3.</p>
12.	<p>“a virtual server resource modifier [communicatively coupled to the first physical host and] configured to receive the virtual server overloaded signal and, in response to the virtual server overloaded signal, to modify a resource allocation for the virtual server and to send a virtual server resource modification signal”</p> <p>(’726 patent claims 1 and 5)</p> <p>“program code for creating a virtual server resource modifier communicatively coupled to the first</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: receive the virtual server overloaded signal and in response, modify a resource allocation for the virtual server and send a virtual server resource modification signal</p> <p>Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C; Virtual Servers 162A-G</p>	<p>Means-plus function terms.</p> <p>Function: [creating a virtual server resource modifier communicatively coupled to the first physical host] receive the virtual server overloaded signal and, in response to the virtual server overloaded signal, to modify a resource allocation for the virtual server and to send a virtual server resource modification signal</p> <p><i>See also</i> constructions of the terms “virtual server overloaded signal,”</p>

**EXHIBIT C****Disputed Claim Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	<p>physical host and configured to receive the virtual server overloaded signal and, in response to the virtual server overloaded signal, to modify a resource allocation for the virtual server and to send a virtual server resource modification signal”</p> <p>(’726 patent claim 4)</p>		<p>“modify a resource allocation,” and “virtual server”</p> <p>Structure: Virtual Server Resource Modifier 120 as described in ’726 Patent, 3:43-48, 3:66-5:4; 5:21-65; 9:47-10:52; Figure 4.</p>
13.	<p>“a load balanc[ing/er] [module] [communicatively coupled to the plurality of physical hosts and] configured to receive the virtual server resource modification signal and to determine whether the first physical host is overloaded and, in response to a determination that the first physical host is overloaded, to send a physical host transfer signal that indicates a second physical host”</p> <p>(’726 patent claims 1 and 5)</p> <p>“program code for creating a load balancing module communicatively coupled to the plurality of physical hosts and configured to receive the virtual server resource modification signal and to determine whether the first physical host is overloaded and,</p>	<p>Not subject to § 112 ¶ 6 – in the alternative:</p> <p>Function: receive the virtual server resource modification signal and determine whether the first physical host is overloaded and in the case that it is send a physical host transfer signal indicating a second physical host</p> <p>Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C; Virtual Servers 162A-G</p>	<p>Means-plus function terms.</p> <p>Function: [creating a load balancing module communicatively coupled to the plurality of physical hosts and] receive the virtual server resource modification signal and to determine whether the first physical host is overloaded and, in response to a determination that the first physical host is overloaded, to send a physical host transfer signal that indicates a second physical host</p> <p><i>See also</i> construction of the term “the first physical host is overloaded”</p> <p>Structure: Physical Host Load Balancing Module 130 as described in ’726 Patent, 5:21-65; 6:4-19; 10:53-11:52; Figure 5.</p>

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	<p>in response to a determination that the first physical host is overloaded, to send a physical host transfer signal that indicates a second physical host”</p> <p>(’726 patent claim 4)</p>		
14.	<p>“a dynamic virtual server mover [communicatively coupled to the plurality of physical hosts and] configured to receive the physical host transfer signal and, in response to the physical host transfer signal, to transfer the virtual server from the first physical host to the second physical host”</p> <p>(’726 patent claims 1 and 5)</p> <p>“program code for creating a dynamic virtual server mover communicatively coupled to the plurality of physical hosts and configured to receive the physical host transfer signal and, in response to the physical host transfer signal, to transfer the virtual server from the first physical host to the second physical host”</p> <p>(’726 patent claim 4)</p>	<p>Not subject to § 112 ¶ 6 – in the alternative</p> <p>Function receive the physical host transfer signal and transfer the virtual server from the first physical host to the second physical host</p> <p>Structure Dynamic Resource Configuration Module 100; Physical Hosts 160A-C</p>	<p>Means-plus function terms.</p> <p>Function: [creating a dynamic virtual server mover communicatively coupled to the plurality of physical hosts and] receive the physical host transfer signal and, in response to the physical host transfer signal, to transfer the virtual server from the first physical host to the second physical host</p> <p><i>See also</i> construction of the term “virtual server”</p> <p>Structure: Dynamic Virtual Server Mover 140 as described in ’726 Patent, 11:63-12:23; Figure 6.</p>



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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
15.	<p>“the dynamic virtual server mover is further configured to direct the first physical host to store, in the file system, a set of system files for the virtual server and to direct the second physical host to access, from the file system, the set of system files for the virtual server, thereby transferring the virtual server from the first physical host to the second physical host”</p> <p>(’726 patent claims 3 and 7)</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: direct the first physical host to store a set of system files for the virtual server in the file system and to direct the second physical host to access the set of system files for the virtual server from the file system and transferring the virtual server</p> <p>Structure: Dynamic Resource Configuration Module 100; Physical Hosts 160A-C; Virtual Servers 162A-G</p>	<p>Means-plus function terms.</p> <p>Function: direct the first physical host to store, in the file system, a set of system files for the virtual server and to direct the second physical host to access, from the file system, the set of system files for the virtual server, thereby transferring the virtual server from the first physical host to the second physical host</p> <p><i>See also</i> construction of the term “virtual server”</p> <p>Structure: Dynamic Virtual Server Mover 140 as described in ’726 Patent, 11:63-12:23; Figure 6.</p>
<b>U.S. Patent No. 7,949,752 (the “’752 patent”)</b>			
16.	<p>“exhausted”</p> <p>(’752 patent claims 1, 9 and 24)</p>	<p>“used up to the allotted or pre-determined amount”</p>	<p>“unavailable for reuse”</p>
17.	<p>“consumed”</p> <p>(’752 patent claims 1, 9 and 24)</p>	<p>“used”</p>	<p>“used up”</p>
18.	<p>“service”</p> <p>(’752 patent claims 1, 3, 9 and 24)</p>	<p>“Network functionality available to agent(s)”</p>	<p>“An application that is used by an agent on behalf of a principal”</p>

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
19.	<p>“means for receiving data for creating a network-based agent”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: receiving data for creating a network-based agent</p> <p>Structure: communication line (68)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: communication line (68) as described in ’752 patent, 6:16–27, 14:48–57.</p>
20.	<p>“means for invoking, in response to receiving a URL defining a type of event and identifying the network-based agent, an execution of the network-based agent”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: invoking, in response to receiving a URL defining a type of event and identifying the network based agent, an execution of the network-based agent</p> <p>Structure: agent server (20)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: agent server (20) as described in ’752 patent, 7:47–65, 8:7–13, 18:34–38.</p>
21.	<p>“means, including the network-based agent, for using a service and a service resource configured to be consumed by the network-based agent for performing the operation”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: using a service and a service resource configured to be consumed by the network-based agent for performing the operation</p> <p>Structure: agent (22)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: agent (22) as described in ’752 patent, 8:31–34, 9:31–39.</p>

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
22.	<p>“means for communicating a result of the operation over a network communications link”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: communicating a result of the operation over a network communications link</p> <p>Structure: communication line (68)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: communication line (68) as described in ’752 patent, 6:16–27, 14:48–57.</p>
23.	<p>“means for mediating an interaction between the means for using the service and the service”</p> <p>(’752 patent claim 3)</p>	<p>Means-plus function term.</p> <p>Function: mediating an interaction between the means for using the service and the service</p> <p>Structure: service wrapper (26)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: service wrapper (26) as described in ’752 patent, 16:22–38.</p>
24.	<p>“means for monitoring an amount of the service resource used by the network-based agent”</p> <p>(’752 patent claim 4)</p>	<p>Means-plus function term.</p> <p>Function: monitoring an amount of the service resource used by the network-based agent</p> <p>Structure: Service Wrapper 26</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: monitor as described in ’752 patent, 16:50-61.</p>
25.	<p>“means for allowing a user to modify the network-based agent”</p> <p>(’752 patent claim 6)</p>	<p>Means-plus function term.</p> <p>Function: allowing a user to modify the network-based agent</p> <p>Structure: network system (2)</p>	<p>Means-plus function term.</p> <p>Function: Same as IV’s proposal.</p> <p>Structure: network system (2) as described in ’752 patent, 9:26–30, 10:12–15.</p>

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
<b>U.S. Reissued Patent No. RE43,051 (the "'051 patent")</b>			
26.	"virtual server"  ( '051 patent claims 1, 3 and 6)	Plain and ordinary meaning, or alternatively: "virtual machine(s) that reside(s) on a physical server and use(s) the physical server's resources but has/have the appearance of being a separate dedicated machine(s)"	"a process executing on a host computer that accepts communications requests"
27.	"physical interface[s]"  ( '051 patent claims 1 and 3)	Plain and ordinary meaning	"hardware that provides a point of communication between two or more devices"
28.	The physical interface / tunnel identifier terms:  Claim 1: <ul style="list-style-type: none"> <li>• storing a customer lookup table, the customer lookup table storing associations between physical interfaces and tunnel identifiers identifying tunnels for private networks and a plurality of customer forwarding tables;</li> <li>• storing a plurality of customer forwarding tables, the customer forwarding tables associating network addresses with physical interfaces and tunnel identifiers;</li> <li>• receiving, over a tunnel, a transmission on a physical</li> </ul>	Plain and ordinary meaning	Claim 1: <ul style="list-style-type: none"> <li>• storing a customer lookup table, the customer lookup table storing associations between <b>[incoming]</b> physical interfaces and <b>[incoming]</b> tunnel identifiers identifying tunnels for private networks and a plurality of customer forwarding tables;</li> <li>• storing a plurality of customer forwarding tables, the customer forwarding tables associating network addresses with <b>[outgoing]</b> physical interfaces and <b>[outgoing]</b> tunnel identifiers;</li> <li>• receiving, over a tunnel, a transmission on <b>[an incoming]</b> physical interface, the transmission containing <b>[an incoming]</b> tunnel identifier;</li> </ul>

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	<p>interface, the transmission containing a tunnel identifier;</p> <ul style="list-style-type: none"> <li>determining the correct customer forwarding table from the customer lookup table using the physical interface and the tunnel identifier;</li> <li>determining via the customer forwarding table a physical interface and tunnel identifier associated with a network address of the transmission;</li> <li>sending the transmission to the network address on the determined physical interface using the determined tunnel identifier.</li> </ul> <p>Claim 3:</p> <ul style="list-style-type: none"> <li>storing customer lookup information and customer forwarding information, the customer lookup information specifying associations between physical interfaces and tunnel identifiers identifying tunnels for private networks and multiple customer forwarding tables, the customer forwarding information associating network addresses with physical interfaces and tunnel identifiers;</li> </ul>		<ul style="list-style-type: none"> <li>determining the correct customer forwarding table from the customer lookup table using the <b>[incoming]</b> physical interface and the <b>[incoming]</b> tunnel identifier;</li> <li>determining via the customer forwarding table <b>[an outgoing]</b> physical interface and <b>[an outgoing]</b> tunnel identifier associated with a network address of the transmission; and</li> <li>sending the transmission to the network address on the determined <b>[outgoing]</b> physical interface using the determined <b>[outgoing]</b> tunnel identifier.</li> </ul> <p>Claim 3:</p> <ul style="list-style-type: none"> <li>storing customer lookup information and customer forwarding information, the customer lookup information specifying associations between <b>[incoming]</b> physical interfaces and <b>[incoming]</b> tunnel identifiers identifying tunnels for private networks and multiple customer forwarding tables, the customer forwarding information associating network addresses with <b>[outgoing]</b> physical interfaces and <b>[outgoing]</b> tunnel identifiers;</li> </ul>

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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	<ul style="list-style-type: none"> <li>receiving, over a tunnel, a transmission on a physical interface having an interface identifier, the transmission identifying a tunnel identifier;</li> <li>determining the correct customer forwarding information from the customer lookup information using the physical interface identifier and the tunnel identifier;</li> <li>using the customer forwarding information to identify a physical interface and tunnel identifier associated with a network address of the transmission;</li> <li>sending the transmission to the network address on the identified physical interface using the identified tunnel identifier.</li> </ul> <p>('051 patent claims 1 and 3)</p>		<ul style="list-style-type: none"> <li>receiving, over a tunnel, a transmission on <b>[an incoming]</b> physical interface having <b>[an incoming]</b> interface identifier, the transmission identifying <b>[an incoming]</b> tunnel identifier;</li> <li>determining the correct customer forwarding information from the customer lookup information using the <b>[incoming]</b> physical interface identifier and the <b>[incoming]</b> tunnel identifier;</li> <li>using the customer forwarding information to identify <b>[an outgoing]</b> physical interface and <b>[an outgoing]</b> tunnel identifier associated with a network address of the transmission; and</li> <li>sending the transmission to the network address on the identified <b>[outgoing]</b> physical interface using the identified <b>[outgoing]</b> tunnel identifier.</li> </ul>
29.	<p>“customer forwarding [table/information]”</p> <p>('051 patent claims 1 and 3)</p>	<p>“table(s) containing [a set/sets] of customer specific forwarding information” / “set(s) of customer specific forwarding information”</p>	<p>Plain and ordinary meaning</p>
<b>U.S. Reissued Patent No. RE44,818 (the “818 patent”)</b>			

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30.	<p>“hierarchical token bucket resource allocation” / “token”</p> <p>(’818 patent claims 1, 17, 30, 32 and 42)</p>	Plain and ordinary meaning	the specific class-based scheduling algorithm known in the art as the “hierarchical token bucket”
31.	<p>“enforc[e/ing]”, “receiv[e/ing]”, “classify[ing]”, “compar[e/ing]”, “forward[ing]”, and “buffer[ing]”</p> <p>(’818 patent claims 1, 17, 30, 32, 33, 37, 38, 39, 42)</p>	Plain and ordinary meaning (for each)	<p>“enforcing . . . across the physical [storage network] interface of the virtual I/O server”</p> <p>“receiv[e/ing] in the virtual I/O server”</p> <p>“classify[ing] in the virtual I/O server”</p> <p>“compar[e/ing] in the virtual I/O server”</p> <p>“forward[ing] in the virtual I/O server”</p> <p>“buffer[ing] in the virtual I/O server”</p>
32.	<p>“maintaining a connection over a network fabric”</p> <p>(’818 patent claims 1, 17, 30, 32 and 42)</p>	Plain and ordinary meaning	“maintaining a connection between the physical interface of the application server and the physical interface of the virtual I/O server over a network fabric”
33.	virtual storage network interface layer of an application server” / “virtual network interface layer of an application server”/ “virtual interface layer of an application server”	Plain and ordinary meaning	interface layers (e.g., virtual network interface 220, virtual HBA 208a) that emulate layers of a networking or storage protocol stack

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	(’818 patent claims 1, 17, 30, 32 and 42)		
34.	<p>“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to:</p> <p>maintain a connection, over a network fabric, to a virtual storage network interface layer of an application server, wherein the virtual storage network interface layer is associated with a virtual storage node identifier”</p> <p>(’818 patent claim 17)</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: cause one or more processors to maintain a connection, over a network fabric, to a virtual storage network interface layer of an application server</p> <p>Structure: Virtual I/O Server 106; I/O Switch Fabric 104</p>	<p>Means-plus function term. This term is indefinite.</p> <p>Function: maintain a connection, over a network fabric, to a virtual storage network interface layer of an application server, wherein the virtual storage network interface layer is associated with a virtual storage node identifier</p> <p>Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.</p>
35.	<p>“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] present, at a physical storage network interface, the virtual storage node identifier to a storage area network”</p> <p>(’818 patent claim 17)</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: present, at a physical storage network interface, the virtual storage node identifier to a storage area network</p> <p>Structure: Virtual I/O server 106; HBA 108</p>	<p>Means-plus function term. This term is indefinite.</p> <p>Function: present, at a physical storage network interface, the virtual storage node identifier to a storage area network</p> <p>Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.</p>
36.	<p>“one or more input/output virtualization modules comprising</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p>	<p>Means-plus function term. This term is indefinite.</p>



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	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	computer-readable instructions operative to cause the one or more processors to: [...] enforce a hierarchical token bucket resource allocation of bandwidth across the physical storage network interface"  (’818 patent claim 17)	Function: enforce a hierarchical token bucket resource allocation of bandwidth across the physical storage network interface.  Structure: Virtual I/O Server 106	Function: enforce a hierarchical token bucket resource allocation of bandwidth across the physical storage network interface  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
37.	“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] receive, over the connection, a storage command from the virtual storage network interface layer of the application server, wherein the storage command is a command to read data from, or write data to, a target connected to the storage area network”  (’818 patent claim 17)	Not subject to § 112 ¶ 6 - in the alternative:  Function: receive, over the connection, a storage command to read/write to/from a target connected to the storage area network, from the virtual network interface layer of the application server  Structure: Virtual I/O Server 106; I/O Switch Fabric 104; Virtual HBA 208a; Encapsulation Module 206; I/O Fabric Driver Stack 204; I/O Fabric PHY Interface 202	Means-plus function term. This term is indefinite.  Function: connection, a storage command from the virtual storage network interface layer of the application server, wherein the storage command is a command to read data from, or write data to, a target connected to the storage area network  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
38.	“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] determine a data transfer size associated with the storage command”	Not subject to § 112 ¶ 6 - in the alternative:  Function: determine a data transfer size associated with the storage command	Means-plus function term. This term is indefinite.  Function: determine a data transfer size associated with the storage command

**EXHIBIT C****Disputed Claim Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	('818 patent claim 17)	Structure: Application Server 102; Virtual I/O Server 106	Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
39.	<p>“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] classify the storage command relative to the hierarchical token bucket resource allocation to determine a current amount of tokens available”</p> <p>('818 patent claim 17)</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: classify the storage command relative to the hierarchical token bucket resource allocation to determine a current amount of tokens available</p> <p>Structure: Application Server 102; Virtual I/O Server 106</p>	<p>Means-plus function term. This term is indefinite.</p> <p>Function: classify the storage command relative to the hierarchical token bucket resource allocation to determine a current amount of tokens available</p> <p>Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.</p>
40.	<p>“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] compare the data transfer size of the storage command to the current amount of tokens available”</p> <p>('818 patent claim 17)</p>	<p>Not subject to § 112 ¶ 6 - in the alternative:</p> <p>Function: compare the data transfer size of the storage command to the current amount of tokens available.</p> <p>Structure: Virtual I/O Server 106</p>	<p>Means-plus function term. This term is indefinite.</p> <p>Function: compare the data transfer size of the storage command to the current amount of tokens available</p> <p>Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.</p>
41.	<p>“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] process the storage</p>	Not subject to § 112 ¶ 6 - in the alternative:	Means-plus function term. This term is indefinite.

**EXHIBIT C****Disputed Claim Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	command, if the current amount of tokens available is sufficient"  (’818 patent claim 17)	Function: process the storage command if the current amount of tokens available is sufficient.  Structure: Virtual I/O Server 106	Function: process the storage command, if the current amount of tokens available is sufficient  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
42.	“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] forward the data associated with the storage command to the data’s destination”  (’818 patent claim 17)	Not subject to § 112 ¶ 6 - in the alternative:  Function: forward the data associated with the storage command  Structure: Virtual I/O Server 106; HBA 108; I/O Fabric Interface 110	Means-plus function term. This term is indefinite.  Function: forward the data associated with the storage command to the data's destination  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.
43.	“one or more input/output virtualization modules comprising computer-readable instructions operative to cause the one or more processors to: [...] buffer the storage command in the memory, if the current amount of tokens available is insufficient”  (’818 patent claim 17)	Not subject to § 112 ¶ 6 - in the alternative:  Function: buffer the storage command in the memory, if the current amount of tokens available is Insufficient  Structure: Virtual I/O Server 106	Means-plus function term. This term is indefinite.  Function: buffer the storage command in the memory, if the current amount of tokens available is insufficient  Structure: This term is indefinite for a lack of sufficient corresponding structure in the specification.

**EXHIBIT C****Disputed Claim Terms****II. The Parties' Respective Additional Proposed Constructions For Specific Disputed Terms**

For the following terms the parties agree that the terms are means-plus-function terms under 35 U.S.C. ¶ 112. The parties also agree on the proposed construction for the structure and function of the term. The only disagreement is whether the terms should be construed to include the specification citations included in VMware's proposed construction.

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
<b>U.S. Patent No. 7,949,752 (the "752 patent")</b>			
44.	"means for receiving data for creating a network-based agent"  ('752 patent claim 1)	Means-plus function term.  Function: receiving data for creating a network-based agent  Structure: communication line (68)	Means-plus function term.  Function: Same as IV's proposal.  Structure: communication line (68) as described in '752 patent, 6:16–27, 14:48–57.
45.	"means for invoking, in response to receiving a URL defining a type of event and identifying the network-based agent, an execution of the network-based agent"  ('752 patent claim 1)	Means-plus function term.  Function: invoking, in response to receiving a URL defining a type of event and identifying the network based agent, an execution of the network-based agent  Structure: agent server (20)	Means-plus function term.  Function: Same as IV's proposal.  Structure: agent server (20) as described in '752 patent, 7:47–65, 8:7–13, 18:34–38.
46.	"means, including the network-based agent, for using a service and a service resource configured to be consumed	Means-plus function term.  Function: using a service and a	Means-plus function term.  Function: Same as IV's proposal.

**EXHIBIT C****Disputed Claim Terms**

	<b>Claim Terms and Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>
	by the network-based agent for performing the operation"  ( '752 patent claim 1)	service resource configured to be consumed by the network-based agent for performing the operation  Structure: agent (22)	Structure: agent (22) as described in '752 patent, 8:31–34, 9:31–39.
47.	“means for communicating a result of the operation over a network communications link”  ( '752 patent claim 1)	Means-plus function term.  Function: communicating a result of the operation over a network communications link  Structure: communication line (68)	Means-plus function term.  Function: Same as IV's proposal.  Structure: communication line (68) as described in '752 patent, 6:16–27, 14:48–57.
48.	“means for mediating an interaction between the means for using the service and the service”  ( '752 patent claim 3)	Means-plus function term.  Function: mediating an interaction between the means for using the service and the service  Structure: service wrapper (26)	Means-plus function term.  Function: Same as IV's proposal.  Structure: service wrapper (26) as described in '752 patent, 16:22–38.
49.	“means for allowing a user to modify the network-based agent”  ( '752 patent claim 6)	Means-plus function term.  Function: allowing a user to modify the network-based agent  Structure: network system (2)	Means-plus function term.  Function: Same as IV's proposal.  Structure: network system (2) as described in '752 patent, 9:26–30, 10:12–15.